

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAMIEN DARNELL HARRIS,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. 3:15-CV-05191-RJB-JRC

ORDER DIRECTING  
RESPONDENT TO FILE AN  
ANSWER, §2254 PETITION

The District Court referred this petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. The referral is made pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

In compliance with the Court's order, petitioner has filed an amended petition (Dkt. 33). Accordingly, the Court orders that:

(1) Within *forty-five (45) days*, respondent shall file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District Courts. As part

1 of such answer, respondent shall state whether petitioner has exhausted available state remedies  
2 and whether an evidentiary hearing is necessary.

3 Respondent shall not file a dispositive motion in place of an answer without first showing  
4 cause as to why an answer is inadequate. Respondent shall file the answer with the Clerk of the  
5 Court and serve a copy of the answer on petitioner.

6 (2) The Court will treat the answer in accordance with LCR 7. Accordingly, on the face  
7 of the answer, respondent shall note it for consideration on the fourth Friday after filing.

8 Petitioner may file and serve a response not later than the Monday immediately preceding the  
9 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply  
10 not later than the Friday designated for consideration of the matter.

11 (3) Filing by Parties.

12 The Court requires all attorneys admitted to practice before this Court to file documents  
13 electronically via the Court's CM/ECF system. All non-attorneys, such as *pro se* parties and/or  
14 prisoners, may continue to file a paper original with the Clerk. All filings, whether filed  
15 electronically or in traditional paper format, must indicate in the upper right hand corner the  
16 name of the magistrate judge to whom the document is directed.

17 For any party filing electronically, when the total of all pages of a filing exceeds fifty  
18 (50) pages in length, a paper copy of the document (with tabs or other organizing aids as  
19 necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be  
20 clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

21 Any document filed with the Court must be accompanied by proof that it has been served  
22 on all parties that have entered a notice of appearance in the underlying matter.

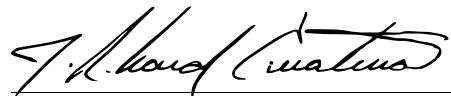
23 (4) Motions.  
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1 Any request for court action shall be set forth in a motion, properly filed and served.  
2 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
3 part of the motion itself and not in a separate document. The motion shall include in its caption  
4 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
5 consideration on the Court's motion calendar.

6 (5) Direct Communications with District Judge or Magistrate Judge

7 No direct communication is to take place with the District Judge or Magistrate Judge with regard  
8 to this case. All relevant information and papers are to be directed to the Clerk.

9 Dated this 22<sup>nd</sup> day of September, 2015.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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